

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TRENT DIRDEN,)	
)	
Petitioner,)	3:12-cv-00133-HDM-WGC
)	
vs.)	ORDER
)	
RENEE BAKER, <i>et al.</i> ,)	
)	
Respondents.)	
	/	

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1). Based on the information regarding petitioner's financial status, the Court finds that the motion to proceed *in forma pauperis* should be granted.

The petition shall now be filed and served on respondents. A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions).

1 Petitioner has filed two motions for the appointment of counsel. (ECF Nos. 3 & 4). There is
2 no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v.*
3 *Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The
4 decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th
5 Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.),
6 *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the
7 case are such that denial of counsel would amount to a denial of due process, and where the
8 petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See*
9 *Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). The petition
10 on file in this action is well-written and sufficiently clear in presenting the issues that petitioner
11 wishes to bring. The issues in this case are not complex. Counsel is not justified in this instance and
12 the motions are denied.

13 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF
14 No. 1) is **GRANTED**.

15 **IT IS FURTHER ORDERED** that the Clerk shall **FILE and ELECTRONICALLY**
16 **SERVE** the petition (ECF No. 1-1) upon the respondents.

17 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of
18 this order within which to answer, or otherwise respond to, the petition. In their answer or other
19 response, respondents shall address all claims presented in the petition. Respondents shall raise all
20 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
21 procedural default. **Successive motions to dismiss will not be entertained**. If an answer is filed,
22 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
23 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
24 **forty-five (45) days** from the date of service of the answer to file a reply.

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